

REMARKS

Claims 1-67 are pending. Claims 7 and 13-16 are currently canceled. Claims 17-67 have been withdrawn from consideration. Claim 1 is currently amended. Reconsideration of the application is requested.

§ 102 and § 103 Rejections

Claims 1, 2, 6, 8, 9-13 and 14 stand rejected under 35 USC § 102(b) as purportedly anticipated by EP 0981175 A2 (Ohara). Claims 3-5 stand rejected under 35 USC § 103(a) as purportedly unpatentable over Ohara taken alone and further in view of US 6,770,396 (Hatoh). Claim 7 stands rejected under 35 USC § 103(a) as purportedly unpatentable over Ohara taken alone and further in view of US 6,936,367 (Sarkar). Claims 10-12 and 15-16 stand rejected under 35 USC § 103(a) as purportedly unpatentable over Ohara taken alone and further in view of US 5,945,232 (Ernst). Claims 13-16 are cancelled herein. Claim 1 is amended herein so as to include the limitations of claim 7 and so as to specify the inclusion of polymer electrolyte membranes. Applicants respond to the outstanding rejection of claim 7 as follows.

Claim 7 stands rejected under 35 USC § 103(a) as purportedly unpatentable over Ohara taken alone and further in view of US 6,936,367 (Sarkar). Sarkar relates to a solid oxide fuel cell system. Solid oxide fuel cell systems are distinct from, and in numerous functional ways not analogous to, polymer electrolyte membrane fuel cells, the later being the subject of the present invention. Claim 1 is amended herein so as to specify the inclusion of polymer electrolyte membranes. Because Sarkar concerns such a distinctly different technology, it cannot be said to teach or suggest elements in a claim reciting such non-analogous parts as “a fuel cell stack comprising fuel cells comprising polymer electrolyte membranes,” which are “stacked in a predetermined stacking direction” and which comprises an “end plate.” It follows that it cannot be said to teach or suggest a current collector comprising one or more pins which passes through an “end plate.”

Claims 2-6 and 8-12 each add additional features to claim 1. Claim 1 is patentable for the reasons given above. Thus, claims 2-6 and 8-12 are likewise be patentable. With regard to claim 2 in particular, claim 2 recites a fuel cell current collection system wherein “the current collector has a substantially longitudinal orientation with respect to the stacking direction.” This recitation

relates to the recitation in claim 1 of "a fuel cell stack comprising fuel cells comprising polymer electrolyte membranes stacked in a predetermined stacking direction." Since the Sarkar reference relates to a solid oxide fuel cell and not a polymer electrolyte membrane fuel cell, the term "stacking direction" as used in claim 1 has no meaning in the context of Sarkar, and the teachings of that reference cannot be related to the invention of claim 2.

In summary, the rejection of claims 1-6 and 8-12 under 35 USC § 102 and § 103 have been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

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April 18, 2007

Date

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